

MORGAN, LEWIS & BOCKIUS LLP
KENNETH J. TURNBULL (KT 4458)
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NEW YORK, NEW YORK 10178
(212) 309-6000
ATTORNEYS FOR DEFENDANT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
CHANA SCHWARTZ,	:	
	:	
Plaintiff,	:	
	:	
-against-	:	CASE NO. 06-CV-4906 (DAB)(RLE)
	:	ELECTRONICALLY FILED
	:	
MORGAN STANLEY DW INC.,	:	
	:	
Defendant.	:	
-----	X	

AFFIDAVIT OF KENNETH J. TURNBULL

STATE OF NEW YORK)

) ss.:

COUNTY OF NEW YORK)

KENNETH J. TURNBULL, being duly sworn, deposes and says:

I am a Partner with the law firm of Morgan, Lewis & Bockius LLP, counsel for Defendant

Morgan Stanley Smith Barney LLC ("Morgan Stanley" or the "Firm").¹ I submit this affidavit in

support of Defendant's Reply Memorandum of Law in Further Support of Its Motion for

Summary Judgment.

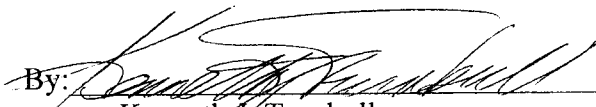
¹ Morgan Stanley Smith Barney LLC is the registered investment advisor and broker-dealer formed as a result of the Joint Venture between Morgan Stanley & Co. Incorporated and Citigroup, Inc. and is the successor to the named Defendant, Morgan Stanley DW Inc.

1. Attached as Exhibit 39 is a true and correct copy of a letter, dated June 8, 2000, from Alain Bernard to Chana Schwartz, which was contained in Schwartz's personnel file and produced during discovery with Bates No. SCHWARTZ 000514.

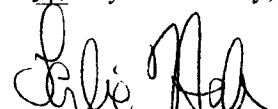
2. Attached as Exhibit 40 is a true and correct copy of the Affidavit of Amber L. Kagan, dated February 13, 2006, which was referenced in Plaintiff's opposition papers (See Pl. Counterstatement at 56, n.5) but which was not attached as an Exhibit to the Declaration of William D. Frumkin in Opposition to Defendant's Motion for Summary Judgment.

This Affidavit is based upon my own personal knowledge, and/or upon my review of what I believe to be true and correct copies of publicly-available documents and/or documents created and/or kept in the normal course of business by Defendant or its counsel and/or produced in the course of this litigation.

Dated: New York, New York
January 29, 2010

By: 
Kenneth J. Turnbull

Sworn to and subscribed before me
this ^{29th}~~21~~ day of January, 2010



NOTARY PUBLIC

LESLIE HALSEY
Notary Public, State of New York
No. 01HA5039390
Qualified in Queens County
Commission Expires February 21, 20 11